## Case 3:10-cv-02663-RS Document 44 Filed 07/09/13 Page 1 of 3 P. RANDOLPH FINCH JR., SBN 185004 E-MAIL: pfinch@mftb.com 1 DUSTIN R. JONES, SBN 251335 E-MAIL: djones@mftb.com 2 MARKS, FINCH, THORNTON & BAIRD, LLP ATTORNEYS AT LAW 3 4747 EXECUTIVE DRIVE - SUITE 700 SAN DIEGO, CALIFORNIA 92121-3107 4 TELEPHONE: (858) 737-3100 5 Attorneys for Defendants I.E.-Pacific, Inc. and Travelers Casualty and Surety Company of America 6 7 UNITED STATES DISTRICT COURT 8 NORTHERN DISTRICT OF CALIFORNIA 9 **DIVISION OF SAN FRANCISCO** 10 CASE NO: 3:10-CV-02663 11 THE UNITED STATES OF AMERICA for the Use and Benefit of CENTRAL 12 VALLEY ENGINEERING & STIPULATION AND [PROPOSED] ASPHALT, INC.; and ORDER REGARDING 13 CENTRAL VALLEY ENGINEERING RESCHEDULING THE HEARING OF & ASPHALT, INC., on its own behalf, CENTRAL VALLEY ENGINEERING & 14 ASPHALT, INC.'S MOTION TO Plaintiff. VACATE 15 v. Assigned to: I.E.-PACIFIC, INC.: Hon. Richard Seeborg 16 TRAVELERS CASÚALTY AND Courtroom 3, 17th Floor 17 SURETY COMPANY OF AMERICA: Complaint Filed: June 17, 2010 18 DOES 1-10, 19 Defendants. This stipulation is entered into by and between I.E.-Pacific, Inc. ("IEP"), 20 Travelers Casualty And Surety Company Of America ("Travelers") and Central 21 Valley Engineering & Asphalt, Inc. ("CVEA"), through counsel. IEP, Travelers 22 and CVEA are collectively referred to as the "Parties." 23 RECITALS 24 25 A. On June 24, 2013, CVEA filed a motion to vacate the arbitration 26

award issued by the arbitrator in the captioned action.

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The hearing on CVEA's motion is currently scheduled for 1:30 p.m. В. on August 1, 2013.

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## Case 3:10-cv-02663-RS Document 44 Filed 07/09/13 Page 2 of 3 C. IEP and Travelers' opposition is currently due on July 8, 2013. 1 CVEA's reply is currently due on July 15, 2013. D. 2 3 E. The Parties wish to reschedule the hearing for 1:30 p.m. on August 8, 2013. 4 5 STIPULATION Through counsel, the Parties stipulate as follows: 6 The hearing on CVEA's motion to vacate is rescheduled to 1:30 p.m. on August 8, 2013. 8 2. IEP and Travelers' opposition must be filed on or before July 8, 9 2013 (this deadline is unchanged). 10 3. CVEA's reply must be filed on or before July 15, 2013 (this 11 deadline is unchanged). 12 SO STIPULATED. 13 DATED: July 8, 2013 Respectfully submitted, 14 15 MARKS, FINCH, THORNTON & BAIRD, LLP 16 17 By: s/Dustin R. Jones P. RANDOLPH FINCH JR. 18 **DUSTIN R. JONES** Attorneys for Defendants I.E.-Pacific, Inc. and 19 Travelers Casualty and Surety Company of America 20 DATED: July 8, 2013 Respectfully submitted, 21 MURPHY, CAMPBELL, GUTHRIE & ALLISTON 22 23 By: s/Daniel J. Foster 24 GEORGE A. GUTHRIE DANIEL J. FOSTER 25 Attorneys for Plaintiff Central Valley Engineering & Asphalt, Inc. 26 27 /////

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1	[PROPOSED] ORDER
2	After considering the above stipulation and for good cause shown, the
3	Court orders as follows:
4	1. The hearing on CVEA's motion to vacate is rescheduled to 1:30
5	p.m. on August 8, 2013.
6	2. IEP and Travelers' opposition must be filed on or before July 8,
7	2013 (this deadline is unchanged).
8	3. CVEA's reply must be filed on or before July 15, 2013 (this
9	deadline is unchanged).
10	SO ORDERED.
11	DATED: <u>7/9</u> , 2013
12	HONORABLE RICHARD EEBORG
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